

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN**

ABBAS ALZAYADY,

Plaintiff,

V.

**THE LINCOLN NATIONAL LIFE
INSURANCE COMPANY,**

Defendant.

No. 4:09-CV-606

Electronically Filed

**DEFENDANT’S UNOPPOSED MOTION TO APPEAR TELEPHONICALLY
AT CASE MANAGEMENT CONFERENCE**

The Defendant, The Lincoln National Life Insurance Company (“Lincoln National”), hereby moves for leave to participate telephonically in the case management conference scheduled for March 17, 2010. As grounds for its Motion, Lincoln National states as follows:

1. Plaintiff filed this action seeking the recovery of certain long term disability benefits allegedly due under an employee welfare benefit plan sponsored by the Plaintiff's former employer. As such, the Plaintiff's claims for disability benefits and attorneys fees are governed by the Employee Retirement Income Security Act of 1974, as amended ("ERISA").

2. Pursuant to the Court's Order to Meet, Report and Appear at Scheduling Conference entered on February 10, 2010 [doc. No. 7], the parties conferred and submitted a proposed Joint Discovery/Case Management Plan on March 3, 2010. The parties do not have any disagreements with respect to the Discovery or Case Management Plan.

3. In addition, Lincoln National and the Plaintiff have exchanged settlement proposals in connection with the parties' ongoing settlement discussions.

4. The Attorney in Charge for Lincoln National, John Scannapieco, resides in Nashville, Tennessee. To the extent a case management conference remains necessary and in an effort to minimize the attorneys fees and expenses associated with this litigation, counsel for Lincoln National requests that he be allowed to participate telephonically in the case management conference that is presently scheduled for March 17, 2010.

5. Counsel for the Plaintiff does not oppose Lincoln National's Motion to appear telephonically at the case management conference.

6. A copy of the proposed Order granting the Defendant's Unopposed Motion is attached hereto as Exhibit A.

WHEREFORE, the Defendant, The Lincoln National Life Insurance Company, respectfully requests that the Court permit it to appear telephonically at the case management conference presently scheduled for March 17, 2010.

Dated: March 3, 2010.

Respectfully submitted,

/s/ John M. Scannapieco

John M. Scannapieco

TN BPR 14473

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*Attorneys for Defendant, The Lincoln National Life
Insurance Company*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served electronically by operation of the Court's electronic filing system or by U.S. first class mail, postage pre-paid, to Lonnie Roach, Bemis, Roach & Reed, 4100 Duval Road, Building 1, Suite 200, Austin, Texas 78759 on this 3rd day of March, 2010.

/s/ John M. Scannapieco

John M. Scannapieco